

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**WASHINGTON, SC.**

**Filed January 6, 2006**

**SUPERIOR COURT**

**RAYMOND W. SCHWAB  
ASSOCIATES, INC.**

**V.**

**L.A. TORRADO, ARCHITECTS**

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**WC 01-0175**

**DECISION**

**RUBINE, J.** This matter was tried to the Court sitting without a jury on November 1, 2005. The case was tried on the Plaintiff's Complaint for the balance allegedly due and owing on an oral contract for engineering services performed in connection with the construction of a middle school on Broad Rock Road in the Town of South Kingstown. The Defendant has answered the Complaint, denying liability for the balance allegedly owed, and counterclaiming for damages incurred due to Plaintiff's alleged negligent performance of engineering services. The following constitutes the Court's findings of fact and conclusions of law, in accordance with the Rhode Island Rules of Civil Procedure, Rule 52(a).

**FINDINGS OF FACT**

1. Plaintiff/Counterclaim Defendant is a Rhode Island corporation with a principal place of business in South Kingstown, Rhode Island, and does business as a civil engineering firm. The principal of the Plaintiff is Raymond W. Schwab, a licensed civil engineer. This party will be referred to hereafter as "Schwab."